

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 307.10 and 307.12 and 2012 Iowa Acts, Senate File 2218, section 5, the Iowa Department of Transportation, on August 14, 2012, adopted an amendment to Chapter 615, "Sanctions," Iowa Administrative Code.

2012 Iowa Acts, Senate File 2218, section 2, amends Iowa Code section 321.372 to increase penalties for illegally passing a stopped school bus. 2012 Iowa Acts, Senate File 2218, section 5, requires the Department to initiate rule making to establish that a violation of Iowa Code subsection 321.372(3) is a serious violation. The amendment imposes driver's license suspension periods of 30 days for a first conviction, 90 days for a second conviction, and 180 days for a third or subsequent conviction under Iowa Code subsection 321.372(3).

Notice of Intended Action for this amendment was published in the June 13, 2012, Iowa Administrative Bulletin as **ARC 0158C**. The amendment was Adopted and Filed and published in the August 8, 2012, Iowa Administrative Bulletin as **ARC 0250C**, effective September 12, 2012. However, because of public comment, the Department determined that the amendment should become effective prior to the beginning of the 2012-2013 school year. This rule making changes the effective date from September 12, 2012, to August 15, 2012.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

This amendment is identical to the one published under Notice of Intended Action and Adopted and Filed.

The Department finds that this amendment confers a benefit on the public by increasing the safety of students boarding and departing Iowa school buses and should be effective prior to the beginning of the 2012-2013 school year. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)"b"(2), and became effective August 15, 2012.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code subsection 321.372(3) and 2012 Iowa Acts, Senate File 2218.

This amendment became effective on August 15, 2012, at which time the Adopted and Filed amendment was rescinded.

The following amendment is adopted.

Amend rule 761—615.17(321) as follows:

761—615.17(321) Suspension for a serious violation.

615.17(1) No change.

615.17(2) "*Serious violation*" means that:

a. to *c.* No change.

d. The person was convicted of violating Iowa Code subsection 321.372(3). The suspension period shall be:

(1) 30 days for a first conviction under Iowa Code subsection 321.372(3).

(2) 90 days for a second conviction under Iowa Code subsection 321.372(3).

(3) 180 days for a third or subsequent conviction under Iowa Code subsection 321.372(3).
This rule is intended to implement Iowa Code sections 321.210, 321.372 as amended by 2012 Iowa
Acts, Senate File 2218, sections 2 and 5, and 321.491.

[Filed Emergency After Notice 8/15/12, effective 8/15/12]

[Published 9/5/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/5/12.